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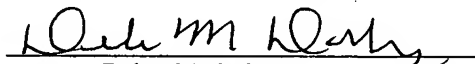
PATENT
Attorney Docket No. B0410/7280D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Richard A. Gambale et al. CONF. NO.: 7050
SERIAL NO.: 10/768,770 GROUP NO.: 1615
FILING DATE: January 29, 2004 EXAMINER: Carlos A. Azpuru
TITLE: IMBEDDED INTRAMUSCULAR IMPLANTS

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of July, 2006.


Debra M. Doherty

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is/are the following document(s):

1. Information Disclosure Statement, PTO Form 1449 and cited reference; and
2. Return Postcard

If the enclosed papers are considered incomplete, the Mail Room or other persons are respectfully requested to contact the undersigned collect at (617) 261-3100.

A check in the amount of \$----- is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account No. 50-1721, Reference No. B0410/7280D1. A duplicate of this letter is enclosed for accounting purposes.



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DATE: July 13, 2006



PATENT
ATTORNEY'S DOCKET NO.: B0410/7280D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard A. Gambale et al. Confirmation No.: 7050
Serial No.: 10/768,770 Examiner: Carlos A. Azpuru
Filed: January 29, 2004 Art Unit: 1615
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Debra M. Doherty

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 C.F.R. §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the applicant requests consideration of this information disclosure statement.

Compliance with 37 C.F.R. §1.97

This information disclosure statement has been filed more than three months after the filing date of this application and after the mailing date of the first office action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a notice of allowance under 37 C.F.R. §1.311.

The applicant hereby certifies, as specified in 37 C.F.R. §1.97(e), that each item of information contained in this information disclosure statement was cited in a

communication from a foreign patent office in a counterpart for this application not more than three months prior to the filing of this statement. No fee is required.

Information Cited

The applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the relative importance of the references. Applicants have omitted from this submission copies of the cited U.S. patents and U.S. patent application publications in accordance with the Office's waiver of the requirement under 37 CFR 1.98(a)(2)(i) for all U.S. national patent applications filed after June 30, 2003. See "Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003," USPTO Pre-OG Notice, July 11, 2003.

Remarks

A copy of each of the above-identified information is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

- The examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
- The enclosed form PTO-1449 be signed by the examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
- The citations for the information be printed on any patent which issues from this application.

By submitting this information disclosure statement, the applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

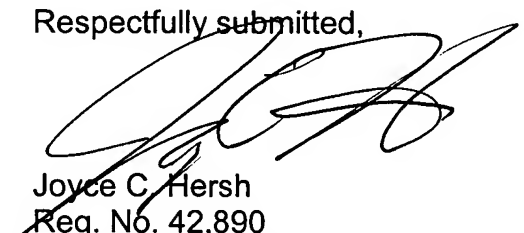
By submitting this information disclosure statement, the applicant makes no representation that the information cited in the statement is, or is considered to be,

material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this information disclosure statement, the applicant makes no representation that the information cited in the statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

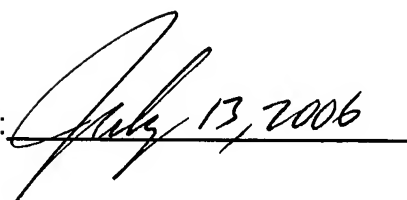
It is understood by applicant that the foregoing information will be considered and, to the extent deemed appropriate by the examiner, will be reflected in the examiner's communication.


Respectfully submitted,



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Date:



Form PTO-1449 INFORMATION DISCLOSURE STATEMENT		Docket No.: B0410/7280D1	Serial No. 10/768,770
	Applicant: Richard A. Gambale et al.		
	Filed: January 29, 2004	Group: 1615	

U.S. Patent Documents							
Ex.		Doc. No.	Date	Name	Class	Subcl.	Filed
		5,282,860	02/01/1994	Matsuno et al.			

FOREIGN PATENT DOCUMENTS							
Ex.		Doc. No.	Date	Name	Class	Subcl.	

OTHER DOCUMENTS (including, Author, Title, Date, Pages, Etc.)		

Examiner:	Date considered
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. An * indicates references that do not require a copy to be provided under 37 C.F.R. §1.98(d) because a copy was previously cited or submitted in a prior application, which is relied upon under 35 U.S.C. §120.